

THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

APPLIED MEDICAL RESOURCES CORPORATION, Plaintiff,
v.
TYCO HEALTHCARE GROUP LP d/b/a COVIDIEN, Defendant.

) SACV11-01406 JVS (ANx)
} Consolidated with SACV13-24
} JVS (ANx) and SACV14-87 JVS
} (ANx)
} **AMENDED JUDGMENT**
}

1 Pursuant to Rule 58 of the Federal Rules of Civil Procedure, the Court
2 enters judgment as described herein in this matter involving Applied Medical
3 Resources Corporation (“Applied”); Gaya Limited (“Gaya”); and Covidien LP,
4 Covidien Sales LLC, and Tyco Healthcare Group LP d/b/a Covidien
5 (collectively, “Covidien”). This judgment is entered further to the Court’s
6 Order on Applied’s Motion for Judgment on the Pleadings as to Gaya’s Unjust
7 Enrichment and Conversion Claims dated June 17, 2013 (Docket No. 146) and
8 the Court’s Findings of Fact and Conclusions of Law dated July 11, 2014
9 (Docket No. 415).

10

11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

12

13 1. Gaya’s claims against Applied for Unjust Enrichment and
14 Conversion are preempted by federal patent law.

15

16 2. Gaya and Covidien have not proven by clear and convincing
17 evidence that any individual associated with Gaya, including Donal
18 Birmingham, Martin Caldwell, Christy Cummins, or Damien Rosney, are sole
19 or joint inventors of any of the inventions claimed in U.S. Patent Nos.
20 7,473,221, 7,481,765, 8,016,755, 8,105,234, and 8,496,581 (“Applied Patents”).

21

22 3. The Court has determined that Gaya and Covidien do not have
23 standing to pursue a determination under 35 U.S.C. § 256 to determine whether
24 the named inventors are misjoined. However, assuming standing, the Court
25 finds that the Applied Patents correctly list Richard C. Ewers, John R. Brustad,
26 Edward D. Pingleton, Nabil Hilal, Gary R. Dulak, Payam Adlparvar, and Robert

27

28

1 R. Bowes as named inventors.

2
3 4. All remaining claims and defenses of Applied and Covidien will be
4 adjudicated in future proceedings in the consolidated action, including all
5 remaining issues of validity, infringement, enforceability, and damages.
6

7 5. Any motion requesting that this judgment be certified as a final
8 judgment pursuant to Fed. R. Civ. P. Rule 54(b) shall be filed within thirty (30)
9 days from the date this judgment is entered.
10

11 6. Applied need not file any request for fees and/or costs pursuant to
12 Fed. R. Civ. P. Rule 54(d) relating to the issues addressed in this judgment until
13 thirty (30) days after entry of a final judgment that disposes of all remaining
14 issues in this consolidated action.
15

16 **IT IS SO ORDERED.**

17 Dated: July 25, 2014



18
19 HONORABLE JAMES V. SELNA
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28